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ART UNIT	PAPER NUMBER
3727	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 12

Application Number: 09/434,507

Filing Date: 5 November 1999

Appellant(s): Stouffer, et. al.

MAILED

APR 17 2002

GROUP 3730

Kevin L. Pontius
For Appellant

EXAMINER'S ANSWER

Art Unit: 3727

This is in response to appellant's brief on appeal filed 10/31/01.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

Appellant's brief includes a statement that claims 1, 3 - 6 and 7 - 14, 19, 21 and 15 - 18, 20 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

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(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

2,941,064

Gieser, Jr., et. al.

6 - 1960

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3 - 14, 19, and 21 are finally rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office action, Paper No. 6.

Claims 15 - 18 and 20 are finally rejected under 35 U.S.C. 102(b). This rejection is set forth in prior Office action, Paper No. 6.

(11) *Response to Argument*

Attention is directed to Gieser, Jr., et. al., col. 3, lines 5 - 19 which state: "As will be understood, with this type of welding operation, the wheels are caused to revolve about the periphery of the tank and in the course thereof rotated upon their own axes. While so engaged a current is impressed across the wheels and so traverses the metal members between the wheels so as to create the necessary welding temperature therein. At the same time the wheels are pressed against the sides 17 and 18 with sufficient force to deflect the contacted portions

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inwardly and thereby create a pressurized area in such deflected portions and the portions of any material in the space therebetween. The heated particles of the different members in the pressurized area are thus forced into intermingling relation and the welding of the members thereby effected. “

Attention is directed to Gieser, Jr. et. al., col 4, lines 32 - 40 which state: It will thus be clear that heat will be effectively applied to the liner portions adjacent the high pressurized area, and that such force or pressure as may be communicated to the low pressurized area will aid in effectively fusing the liner portions therein but is insufficient to blast any molten liner material from such area. It will also be evident that the portions 31 and 32 may be enlarged so that a greater area may be heated by the current and a greater area of seal between the liners provided. “

It is the Examiner's position that the Gieser, Jr., et. al. reference discloses diffusion bonding.

The diffusion bonding occurs across the entire bonding region.

The flanges engage one another in the area where the compressive force has been applied, thus blasting out the liner material allowing for steel flange to steel flange contact, thus establishing the bonding region. Note Fig. 3 and 4.

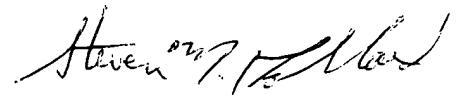
Applicant's arguments have been considered, but do not convince the Examiner of error.

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The court cases cited have been considered, but will not be commented upon in view of the fact that each case is decided upon the individual merits of such.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



**Steven Pollard
Primary Examiner**

SMP
April 8, 2002

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